

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U. S. DISTRICT COURT
Southern District of GA
Filed In Office

UNITED STATES OF AMERICA ex)
rel. ROBERT W. BARKER and)
COMPLETE SITEWORK SERVICES,)
LLC,)

Plaintiffs,)

v.)

ARCHER WESTERN CONSTRUCTION,)
LLC,)

Defendant.)

CASE NO. CV417-241

11/5 M 2019
Deputy Clerk


O R D E R

Before the Court is the Government's Motion for an Order to Show Cause. (Doc. 25.) In its motion, the Government notes that, since this Court's January 15, 2019 order in which the Court ordered Relators to serve Defendant with a copy of the First Amended Complaint, no action has occurred. (Id. at 2.) The Government, therefore, requests that this Court issue an order to show cause as to why this action should not be dismissed for want of prosecution. (Id.)

Relator Complete Sitework Services, LLC has responded to the Government's Motion for an Order to Show Cause and moves for dismissal of the action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. 26.) Relator Robert W. Barker has not responded to the voluntary

dismissal. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Because Defendant has filed neither an answer nor a motion for summary judgment in this case, Relator Complete Sitework Services, LLC's request is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** with each party to bear its own fees and costs.¹ The Government's Motion for an Order to Show Cause (Doc. 25) is **DISMISSED AS MOOT**. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 5th day of November 2019.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ The Court notes that there are two relators in this action. However, Relator Barker is currently pro se, and has been since his counsel was permitted to withdraw in November 2018. The United States Court of Appeals for the Eleventh Circuit has held that a private individual cannot maintain a qui tam action pro se. Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008).